

Remarks

In the official action the Examiner objected to the drawings and requested that Figures 24-46 be designated by a legend such as "prior art". As the Examiner will note by reference to the new drawings submitted herewith, the requested amendments have been carried out.

The Examiner rejected all of the claims under 35 U.S.C. 112, first paragraph.

Although claims 1-14 have been canceled by this amendment, for the record, the Applicant disagrees with the assertions made by the Examiner.

The terms noted by the Examiner are defined in the paragraph bridging pages 28 and 29 of the application. This paragraph is also reproduced in this response given the fact that two minor editorial corrections are being made thereto.

As such, it is respectfully submitted that the Examiner's rejection of the claims heretofore of record under 35 U.S.C. 112, first paragraph, as not being supported by the description, was not properly made.

Nevertheless, in an earnest attempt to address the Examiner's concerns, new claims have been prepared and filed in this application in which the distances have been defined, hopefully with the requisite clarity expected by the Examiner. Please see new claims 15 - 54 inclosed herewith.

For example, the distance S1 is defined in new claim 15 as "a distance from a point of emergence from the first optical system to a point of incidence on the second optical system along the optical axis of the first optical system".

The distance S1 is defined in the specification with reference to the disclosed embodiments as being "along the reference axis of the first optical system between the first and second optical system". Please note the use of the word "between" in the language quoted from the specification. A common definition for the word "between" is "in the time, space or interval that separates." For optical systems, the distance "between" them would be understood by a person skilled in the art to be the distance that separates their respective points of light emergence/incidence. It is submitted that there is ample support for the language used in the claim.

It is hoped that the Examiner will agree that the distances defined in the specification at pages 28 and 29 of the application as filed adequately support the distances referred to, for example, in new claim 15.

On page 3 of the official action the Examiner provides a comment in which the Examiner asserts that no prior art search could be made to determine the patentability of the invention "since the subject matter of the independent claim was unclear to the Examiner and its assumed meaning could not be determined".

With all due respect to the Examiner, the Examiner's assertion is not really correct. It is to be noted that this application has already been examined during the PCT phase of its prosecution. The US Examiner examining this application is not the first Examiner to examine this application and to provide an indication as to the patentability of the claims. Before the present Examiner considered this application, an Examiner at the Japanese Patent Office previously examined it and issued a Search Report citing a number of references. These references have been cited to the Examiner in an Information Disclosure Statement. Since the Japanese Examiner conducted a prior art search, it is clear that the subject matter of the claims was sufficiently clear in order to permit a search to be done.

The Application does not believe that the Examiner is asserting that the search conducted by the Japanese Examiner at the Japanese Patent Office was not "a proper search." Rather, it is assumed that the Examiner is only holding off on doing a search until the Examiner felt that the claims were clarified and/or explained.

In any event, the Examiner's assertion that the claims rejected by the Examiner were not properly supported by the disclosure and the Examiner's assertion that a proper search could not be made based on the as filed claims is strenuously resisted.

First, it is asserted that both the originally filed claims and the present claims are suitably enabled by the disclosure. The distances are clearly spelled out and the claims have been amended in a sincere effort to make the distance references crystal clear.

Second, it is asserted that not only could a proper search have been done, it was previously done by an Examiner at the Japanese Patent Office.

Please consider the prior art cited by the Japanese Examiner and the IPER issued by the Japanese Examiner. It is hoped that an English language translation of the IPER will be available for filing in this application in the not-too-distant future.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be

charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the
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POB 1450, Alexandria, VA 22313-1450 on

September 22, 2003

(Date of Deposit)

Corinda Humphrey

(Name of Person Signing)


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(Signature)

September 22, 2003

(Date)

Respectfully submitted,



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